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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alex J. Simmons
Serial No.: 10/804,616 Group Art Unit: 2176
Filed: March 19, 2004 Docket: 60001.0302US01/MS302497.1
Title: Automatic Height Adjustment of Electronic Highlighter Pens and Mousing Devices

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 5, 2006.

By: Colin S. Wright
Name: Colin S. Wright

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

27488

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Information Disclosure Statement, Form 1449, 4 References
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By: Colin S. Wright
Name: Colin S. Wright
Reg. No.: 57,202
CSW



10/804,616

PATENT

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INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

The documents disclosed herein are of record in Application No. 10/186,865, the specification of which is substantially the same as the specification in the present application.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided, except for the U.S. Patents and U.S. Publications.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

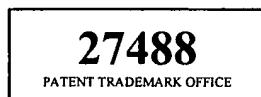
MERCHANT & GOULD, LLC

Date: May 5, 2006

Colin S. Wright

Colin S. Wright
Reg. No. 57,202

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(404) 954-5100



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| | Applicant: Alex Simmons | | |
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| U.S. PATENT DOCUMENTS | | | | | | |
|---|-----------------|---|------------------|-------|----------|----------------------------|
| EXAMINER INITIAL | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | 5,347,295 | 09/1994 | Agulnick et al. | | | |
| | 5,559,942 | 09/1996 | Gough et al. | | | |
| | 6,654,035 | 11/2003 | DeStefano | | | |
| | 6,651,221 | 11/2003 | Thompson et al. | | | |
| | 5,517,578 | 05/1996 | Altman et al. | | | |
| | 6,678,865 | 1.13.04 | Pratley et al. | | | |
| | 6,487,567 | 11.26.02 | Michelman et al. | | | |
| | 5,590,257 | 12.31.96 | Forcier | | | |
| | 6,081,829 | 6.27.00 | Sidana | | | |
| | 5,347,295 | 09.13.94 | Agulnick et al. | | | |
| | 5,559,942 | 09.24.96 | Gough et al. | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | |
| | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |
| | | | | | | YES |
| | DE 40 26 852 A1 | 02.28.91 | Germany | | | |
| | 3-270403 | 12.02.91 | Japan | | | |
| | | | | | | |
| | | | | | | |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | |
| | | Wilcox et al., "Dynamite: A Dynamically Organized Ink and Audio Notebook," Computer-Human Interaction, 3.27.1997, pp. 186-193 | | | | |
| | | Thomas Jakobsen, "Advanced Character Physics," 2001, Proceedings, Game Developer's Conference 2001, pp. 1-17 | | | | |
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| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. | |

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|-----------------------|--------------|----------|------------------------|-------|----------|----------------------------|
| EXAMINER INITIAL | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | 6,654,035 | 11.25.03 | DeStefano | | | |
| | 6,651,221 | 11.18.03 | Thompson et al. | | | |
| | 5,517,578 | 05.14.96 | Altman et al. | | | |
| | 5,867,150 | 02.02.99 | Bricklin et al. | | | |
| | 5,970,455 | 10.1999 | Wilcox et al. | | | |
| | 6,565,611 | 05.2003 | Wilcox et al. | | | |
| | 5,517,578 | 05.1996 | Altman et al. | | | |
| | 5,809,498 | 09.1998 | Lopresti et al. | | | |
| | 5,838,819 | 11.1998 | Ruedisueli et al. | | | |
| | 6,355,889 | 03.2002 | Butcher et al. | | | |
| | 6,487,569 | 11.2002 | Lui et al. | | | |
| | 6,741,749 | 05/2004 | Herbert, Jr., Peter F. | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|--|--------------|------|---------|-------|----------|-------------|----|
| | | | | | | YES | NO |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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|--|--------------|----------|-------------------------|-------|----------|----------------------------|
| EXAMINER INITIAL | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | 6,279,014 | 08.2001 | Schilit et al. | | | |
| | 6,529,215 | 03.2003 | Golovchinsky et al. | | | |
| | 5,500,937 | 03.1996 | Thompson-Rohrlich, John | | | |
| | 5,583,542 | 12.1996 | Capps et al. | | | |
| | 2,354,332 | 07.25.44 | Polydoroff | | | |
| | 5,953,735 | 09.1999 | Forcier, Mitchell D. | | | |
| | 5,760,773 | 06.1998 | Berman et al. | | | |
| | 6,069,626 | 05.2000 | Cline et al. | | | |
| | 5,339,391 | 08.1994 | Wroblewski et al. | | | |
| | 5,874,957 | 02.1999 | Cline et al. | | | |
| | 6,128,633 | 10.2000 | Michelman et al. | | | |
| | 6,833,827 | 12/2004 | Lui et al. | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | |
| | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |
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|---|-----------------|----------|----------------------|-------|----------|----------------------------|
| EXAMINER INITIAL | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | 7,002,560 | 02/2006 | Graham, Evan | | | |
| | 6,594,390 | 07/2003 | Frink et al. | | | |
| | 6,154,758 | 11/2000 | Chiang, Mike W. | | | |
| | 6,295,372 | 09/2001 | Hawkins et al. | | | |
| | 6,340,967 | 01/2002 | Maxted, Sean Kenneth | | | |
| | 6,661,409 | 12/2003 | Demartines et al. | | | |
| | 6,690,364 | 02/2004 | Webb, Russell Y. | | | |
| | 2004/0003350 | 01.2004 | Simmons et al. | | | |
| | 2001/000960 A1 | 05.10.01 | Dettloff | | | |
| | 2002/0097270 A1 | 07.25.02 | Keely et al. | | | |
| | 2003/119469 A1 | 06.26.03 | Karr et al. | | | |
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